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ORIGINAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

MAY 23 2008  
at 11 o'clock and 25 min. M.  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

STEVEN DE COSTA, in his )  
representative capacity as )  
Chairperson of the Board of )  
Trustees of United Public Workers, )  
AFSCME Local 646, AFL-CIO, )  
Mutual Aid Fund Trust, Real Party )  
in Interest, United Public Workers, )  
Local 646, AFL-CIO, )

Plaintiff, )

vs. )

GARY W. RODRIGUES, )  
Defendant. )

CIVIL NO. 03-00598 DAE/LEK

DEFENDANT'S NOTICE OF  
APPEAL; DEFENDANT'S  
REPRESENTATION  
STATEMENT; CERTIFICATE OF  
SERVICE

DEFENDANT'S NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that GARY W. RODRIGUES

defendant in the above named case, hereby appeals to the United States Court of Appeals for the Ninth Circuit from the (1) Order denying Defendant's motion to dismiss filed April 6, 2004; (2) Order denying Defendant's renewed motion for summary judgment filed November 26, 2007; (3) Findings of Fact and Conclusions of Law filed March 20, 2008; (4) Amendment to Findings of Fact and Conclusions of Law filed March 31, 2008; (5) Judgment in favor of Plaintiffs and against Defendant filed March 31, 2008, and; (6) the Order Denying Defendant's Motion for Reconsideration of Findings of Fact and Conclusions of Law, and for New Trial filed May 2, 2008.

DATED: Honolulu, Hawaii, MAY 23 2008.

A handwritten signature in dark ink, appearing to read 'E. Seitz', is written over a horizontal line.

ERIC A. SEITZ  
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Attorneys for Defendant  
Gary W. Rodrigues